

IN RE: PETITION FOR VARIANCE  
N/S Hillen Road, 70' W of the c/l  
Eudowood Lane  
(337 Hillen Road)  
9<sup>th</sup> Election District  
4<sup>th</sup> Councilmanic District

Donald C. Ruddy, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-191-A

\*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Donald C. and Eleanor O. Ruddy. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Vincent J. Moskunus, Professional Engineer who prepared the site plan of this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 5,590 sq.ft., more or less, zoned D.R. 10.5, and is presently unimproved. The property is roughly square shaped, with 70 feet of frontage on Hillen Road, side depths of 74 feet (west side) and 84 feet (east side), and is 74 feet wide across the rear property line. The rear of the property abuts the old Maryland and Pennsylvania Railroad right-of-way, which has since been abandoned. The Petitioners wish to sell the property to a developer who proposes to construct a two-story single family dwelling thereon, as shown on Petitioner's Exhibit 1. However, in order

UNDER RECEIVED FOR FILING

Date

By

to proceed as proposed, the requested variance from rear yard setback requirements is necessary. Testimony indicated that the 50-foot distance required was necessitated by the old right-of-way for the Railroad, which has since been abandoned. Thus, the Petitioners argue that the relief requested will not be detrimental to the surrounding locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would unduly restrict the use of the property due to the special conditions unique to this parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

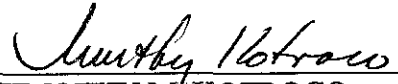
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of January, 1999 that the Petition for Variance seeking relief from

Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

COPIES RECEIVED FOR FILING  
Date 11/21/99  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

January 5, 1999

Mr. & Mrs. Donald C. Ruddy  
2545 Martin Road  
Willowgrove, Pennsylvania 19090-1617

RE: PETITION FOR VARIANCE  
N/S Hillen Road, 70' W of the c/l of Eudowood Lane  
(337 Hillen Road)  
9th Election District - 4th Councilmanic District  
Donald C. Ruddy, et ux - Petitioners  
Case No. 99-191-A

Dear Mr. & Mrs. Ruddy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

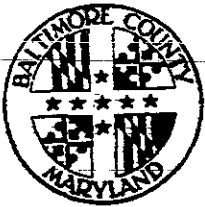
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Vincent J. Moskunas, M & H Development Engineers, Inc.  
200 E. Joppa Road, Room 101, Towson, Md. 21204

People's Counsel; Case File





# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at #337 Hillen Road

which is presently zoned D.R. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1.; BCZR, To PERMIT

A REAR YARD SETBACK OF 30 FT. FOR A DWELLING IN LIEU OF THE  
REQUIRED 50 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. The size of the lot is only 80' deep x 70' wide.
2. Does not have adjacent land to add to size.
3. Bounded by a public road in front and the Maryland Central Railway in the rear yard.  
50' cannot be accomplished with the proposed architectural size of the house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Donald C. Ruddy

(Type or Print Name)

Signature

Eleanor O. Ruddy

(Type or Print Name)

Signature

2545 Martin Road

Address

(215) 659-3157

Phone No.

Willow Grove, PA 19090-1617

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

M&H Development Engineers, Inc.

Vincent J. Moskunus

Name

200 E. Joppa Road Room 101

(410) 828-9060

Address

Towson, MD 21286

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: *Jim*

DATE

11-5-98

191



Printed with Soybean Ink  
on Recycled Paper

99-191-A

ORDER RECEIVED FOR FILING

Date


By

**M. & H. DEVELOPMENT ENGINEERS, INC.**

200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21286

**ZONING DESCRIPTION FOR #337 HILLEN ROAD**

Beginning at a point on the north side of Hillen Road which is 30' wide at the distance of 70' west of the centerline of Eudowood Lane which is 20' wide. Being Lot #3 in the Subdivision of the Relief Association of Baltimore County Plat Book No. 2, folio 42, containing 5590 square feet. Also known as #337 Hillen Road and located in the 9th. Election District, 4th. Councilmanic District.

A circular notary seal for J. Tilghman Downey, Jr., Notary Public, State of Maryland, is visible. The seal contains the text "NOTARY PUBLIC STATE OF MARYLAND" and "J. TILGHMAN DOWNEY, JR.". A handwritten signature, "J. Tilghman Downey, Jr.", is written across the seal.

J. Tilghman Downey, JR.

191

99-191-A

BALTIMORE COUNTY, MARY ID 191  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT No. 060740

DATE 11-5-98 ACCOUNT Rec 16150

AMOUNT \$ 50.00

RECEIVED FROM: D. AQUILONE 329 11110 Pa

FOR: (111) 002.

PAID RECEIPT

PAID 1/05/1998 11/05/1998 14:19:07

REC 16150 CASHIER REC JMR DRAMER

5 MISCELLANEOUS CASH RECEIPT

AMOUNT \$ 50.00 CHECK  
BALTIMORE COUNTY, Maryland

99-191-A

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

# CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 27, 1978

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 26, 1978.

THE JEFFERSONIAN,

*A. Henrichson*

LEGAL AD. - TOWSON

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: 799-191-A  
337 Hillen Road  
N/S Hillen Road 70' W of centerline Eudowood Lane  
9th Election District  
4th Councilmanic District  
Legal Owner(s): Eleanor O. & Donald C. Ruddy

Variance to permit a rear yard setback of 30 feet for a dwelling in lieu of the required 60 feet.

Hearing: Tuesday, December 10, 1978 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Bailey Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are special accommodations for handicapped - Accessible, for Please Call (410) 887-8353.  
(2) For information concerning the file and/or hearing, Please Call (410) 887-8391.

11/4/78 Nov. 26 - 0276067



## CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
COUNTY OFFICE BUILDING, ROOM 111  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

CASE NUMBER: *99-191-A*

PETITIONER/DEVELOPER: ( ) *Donald C. Ruddy*

DATE OF HEARING/CLOSING: ( ) *12-15-98*

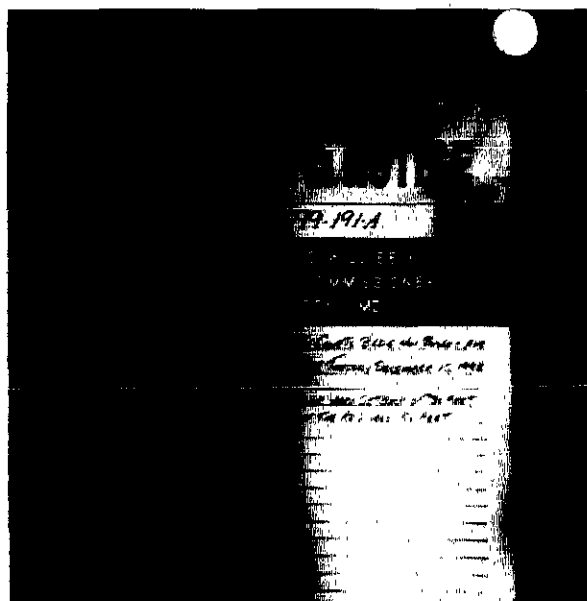
ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY  
THAT THE NECESSARY SIGN (S) REQUIRED BY LAW WERE POSTED  
CONSPICUOUSLY ON THE PROPERTY LOCATED AT,

*337 Hillers Road, Baltimore, md. 21286*

THE SIGN (S) WERE POSTED ON, *11-28-98* BY THE UNDERSIGNED.



SINCERELY,

*Thomas P. Ogle Sr. 11/28/98*

THOMAS P. OGLE SR.  
325 NICHOLSON RD.  
BALTIMORE MD. 21221  
(410) 687-8405  
(410) 687-4381 (FAX)

RE: PETITION FOR VARIANCE  
337 Hillen Road, N/S Hillen Rd,  
70' W of c/I Eudowood Ln, 9th Election  
District, 4th Councilmanic

Legal Owners: Donald C. and Eleanor O. Ruddy

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-191-A

\* \* \* \* \*

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25<sup>th</sup> day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Vincent J. Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

November 16, 1998

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-191-A  
337 Hillen Road  
N/S Hillen Road, 70' W of centerline Eudowood Lane  
9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District  
Legal Owner: Eleanor O. & Donald C. Ruddy

Variance to permit a rear yard setback of 30 feet for a dwelling in lieu of the required 50 feet.

HEARING: Tuesday, December 15, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "scj" written below it.

Arnold Jablon  
Director

c: Eleanor & Donald Ruddy  
M&H Development Engineers, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 30, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



TO: PATUXENT PUBLISHING COMPANY  
November 25, 1998 Issue – Jeffersonian

Please forward billing to:

Don Aquilano  
3118 Northwind Road  
Baltimore, MD 21234

410-250-1144

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-191-A

337 Hillen Road

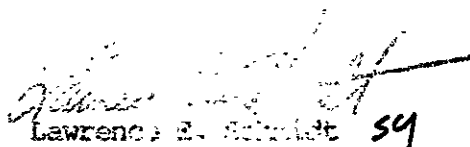
N/S Hillen Road, 70' W of centerline Eudowood Lane

9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner: Eleanor O. & Donald C. Ruddy

Variance to permit a rear yard setback of 30 feet for a dwelling in lieu of the required 50 feet.

HEARING: Tuesday, December 15, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt 59

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 191 Petitioner: Donald Paddy Go Don Aquilano.  
Location: #337 Hillen Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Don Aquilano  
ADDRESS: 3118 Northwind Road  
Baltimore, MO 21234  
PHONE NUMBER: 443-250-1144

**99-191-A**

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_.

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 99-191A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A VARIANCE TO PERMIT A REAR YARD  
SETBACK OF 30ft. IN LIEU OF THE  
REQUIRED 50ft. FOR A DWELLING.

\_\_\_\_\_  
\_\_\_\_\_

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
(410)887-4880

November 13, 1993

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 16, 1993

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

189, 190, 191, 192, 193, and 195

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



*Jim*  
*12/15*

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**Date:** November 16, 1998

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):  
Item No (s): 162 & 191

If there should be any questions or this office can provide additional information, please  
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: *Jeffrey M. Long*

AFK/JL



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME  
M&H-DEV. ENG., INC.  
VINCENT J. MOSKUNAS

ADDRESS  
200 E JOPPA RD. TOWSON MD 21286



JOPPA

ZONING MAP SCALE: 1"=200'

#337 Hillen Road  
Baltimore County, MD

N.E. 10-A

96-482-SPHA

OR-1

R.A.E.-2

73-59-R

OR-2

RO

ROA

PENNSYLVANIA

ROA

D.R. 10.5

LENNOX

AVE.

97-456-XA

HILLEN

D.R. 10.5

SITE

N 37,000

RAILROAD

RO

RO

ML

SUSQUEHANNA

TOWSON

D.R. 5.5

AVE.

MANOR

WILLOW

AVE.

D.R. 10.5

D.R. 5.5

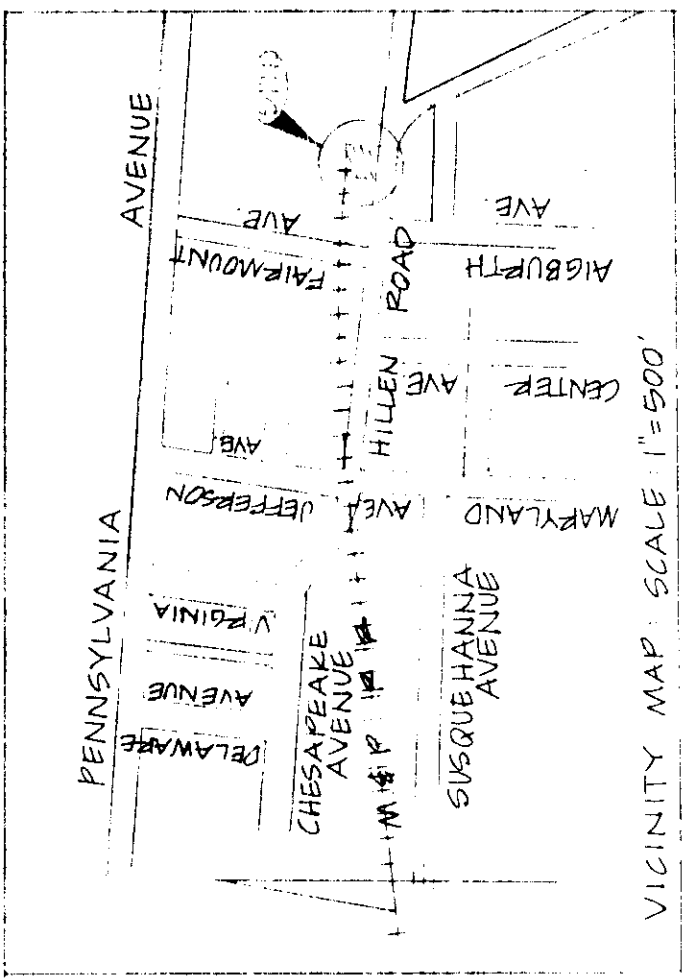
D.R. 10.5

M.P.

99-191-A

97-330-SPH

N 36,000



# LOCATION INFORMATION

1. ZONING: D.R. 10.5
2. 1"=200' SCALE MAP: 10.5
3. COUNCILMANIC DISTRICT: 4
4. LOT SIZE: 57,200 SQ. FT.
5. PUBLIC WATER & SEWER
6. NOT LOCATED IN CHESAPEAKE BAY CRITICAL AREA.
7. NO PRIOR ZONING HEARING.
8. NO 100 YEAR FLOODPLAIN LOCATED ON THIS SITE.
9. EXISTING USE: VACANT
10. PROPOSED USE: SINGLE FAMILY DWELLING
11. CENSUS TRACT: 4909
12. ELECTION DISTRICT: No. 9

PLAT TO ACCOMPANY PETITION  
FOR VARIANCE

# 337 HILLEN ROAD

LOT 3

"PLAT OF THE LAND BELONGING TO THE  
RELIEF ASSOCIATION OF BALTIMORE  
COUNTY, MARYLAND"

J.W.S. No. 2, 42

BALTIMORE CO., MD

SCALE: 1"=20'

OCTOBER 27, 1998

OWNER: DONALD C. & ELEANOR O. BUDDY

2545 MARTIN ROAD

WILLOW GROVE, PA 19040-1617

DEED REF: 832A-702

TAX ACCT. No.

TAX MAP: 70 GRID: 9 PARCEL: 891

**M&H** DEVELOPMENT  
ENGINEERS, INC.

200 East Joppa Road  
Room 101, Shell Building  
Towson, Maryland  
828-9000

ZONING OFFICE USE ONLY	REVIEWED BY: <i>SLW</i>	ITEM No. 191	CASE No. 98-8115
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99-191-A